

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. Rome

JUL 06 2004

LUTHER D. THOMAS, Clerk
By:  Deputy Clerk

IN RE: TRI-STATE CREMATORY
LITIGATION

MDL DOCKET NO. 1467

This document relates to all cases.

AFFIDAVIT OF ROBERT H. SMALLEY, III

I, Robert H. Smalley, III, being first duly sworn under oath, depose and state as follows:

1. I am a United States citizen, over the age of 21, and competent to testify to the matters stated herein. I have personal knowledge of the facts set forth herein.
2. I make this affidavit in support of Plaintiffs' Motion for Expedited All Writs Injunction to preserve *status quo* and Plaintiffs' Motion to Enforce Settlement.
3. Attached hereto as Exhibit 1 is a true and correct copy of the transcript of the conference between the court and counsel of March 11, 2004, at which time the settlement was announced.

4. Attached hereto as Exhibit 2 is a true and correct copy of the transcript of the conference between the court and counsel of May 3, 2004, with respect to issues of how, procedurally, to achieve the parties' settlement objectives.

5. Attached hereto as Exhibit 3 is a true and correct copy of the transcript of the conference between the court, counsel, and Professor Issacharoff of June 4, 2004, at which time an alternative procedure was proposed.

6. Attached hereto as Exhibit 4 is a true and correct copy of the transcript of the conference between the court and counsel of July 1, 2004.

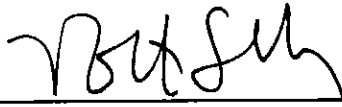
7. Attached hereto as Exhibit 5 is a true and correct copy of all documents faxed to my office at approximately noon on June 30, 2004 from the office of Mr. Charles A. Wiley, Jr. I had no knowledge of the existence of these documents until such time.

8. Attached hereto as Exhibit 6 is a true and correct copy of the Motion to Intervene filed on behalf of the Class April 17, 2003 in the declaratory relief action filed by Georgia Farm Bureau Mutual Insurance Company, Inc. versus Tommy Ray Marsh and Clara Chestnut Marsh, Walker County State Court civil action 02-W-4700.

9. Attached hereto as Exhibit 7 is a true and correct copy of the Response/Objection to such Motion to Intervene filed by Georgia Farm Bureau Mutual Insurance Company, Inc. and served upon class counsel on May 28, 2003.

10. Attached hereto as Exhibit 8 is a true and correct copy of two (2) separate newspaper articles which appeared in the Atlanta Journal-Constitution and the Dalton Daily Citizen on July 4, 2004.

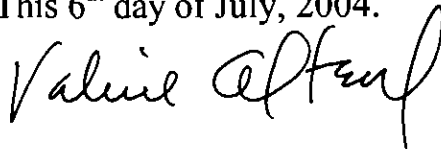
Further Affiant Sayeth Naught.



Robert H. Smalley, III

Sworn to and subscribed before me,

This 6th day of July, 2004.



Notary Public





ATTACHMENTS TO

DOCKET # 1220

**COULD NOT BE SCANNED BECAUSE
OF THE FOLLOWING:**

- ☐ Legal Size Documents
- ☐ Large Exhibits
- ☐ Double Sided Documents
- ☒ Other _____

(To be scanned in the place of the above attachments.)